

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

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CIVIL NO. 98-2218 COUR  
SAN JUAN, P.R.

SOMASCAN PLAZA INC., et. al.,  
Plaintiffs


vs.

SIEMENS MEDICAL SYSTEMS INC.,  
Defendant

**ORDER**

MOTION	RULING
<p><b>Date Filed:</b> September 21, 1999; September 23, 1999; September 27, 1999; September 28, 1999 <b>Docket #</b> 103; 105; 106; 107</p> <p><b>[X] Pliffs [X] Defts</b></p> <p><b>Title:</b> Informative Motion and Request of Sanctions; Motion to Reconsider and Stay Order of September 21, 1999 Regarding Horst Appold's Deposition and Requesting Protective Order; Response to Plaintiff's "Informative Motion" Regarding Horst Appold's Deposition; Motion Requesting Status Conference and Order to Compel Discovery</p>	<p>Pursuant to the Further Scheduling Conference Order (docket No. 71), the deposition of Horst Appold was scheduled for September 20, 1999. As Defendant did not produce Mr. Appold on that day, and upon the motion of both parties, the Court rescheduled the deposition for September 23, 1999 (docket No. 104). Defendant again did not produce Mr. Appold on the date scheduled by the Court, blaming Mr. Appold's nonappearance on difficulties in making travel arrangements and a medical condition. Defendant requests the deposition be rescheduled for a date agreed to by both parties. Plaintiffs counter that Defendant has circumvented the Court's Orders by refusing to produce Mr. Appold, and have requested that the Court order Defendant to pay Plaintiffs' legal expenses for the canceled depositions, in the amount of \$2000.00, plus the fees for the translator and court reporter. The Court hereby <b>DENIES</b> Defendant's Motion for Reconsideration and <b>GRANTS</b> Plaintiffs' Motion for the payment of legal expenses and other fees. Defendant <b>SHALL</b> pay Plaintiffs \$2000.00 in legal expenses plus the fees for the translator and court reporter for the canceled depositions of September 20, 1999 and September 23, 1999, to be paid within 10 days after Plaintiffs present to the Court evidence of those fees. Moreover, the Court hereby <b>RESCHEDULES</b> the deposition of Horst Appold for <b>October 7, 1999</b> at 9:30 a.m. at the offices of Benny Frankie Cerezo, a date to which both parties have agreed.</p>

Date: *Sept. 29, 1999*

by:   
JAIME PIERAS, JR.  
U.S. Senior District Judge

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